IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CRIMINAL MISC. PETITION NO.414/02

Om Prakash Sharma **Versus** State

DATE OF ORDER :: 11/09/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. Desh Raj Kalwania for Mr. Mahavir Sharma, for petitioner

Mr. Arun Sharma, Public Prosecutor for State

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Instant petition is directed against the order dated 26th February, 2002 whereby while acquitting the accused Dr. Yashpal Singh, learned trial Judge after perusal of evidence which came on record arrived to a prima facie conclusion that Om Prakash Sharma and Virendra Kumar were the persons who have falsely implicated the accused Dr. Yashpal Singh who was acquitted from the offence u/s.7 & 13(1)(d) read with Section 13 (2) of Prevention of Corruption Act, 1988. While passing the order of acquittal of accused Dr. Yashpal Singh, it was observed that copy of this order may be sent to the Chief Executive Officer, Zila Parishad, Bundi who may initiate proper action against petitioner Om Prakash Sharma.

This court has gone through the order impugned and finds that observation which has been made by learned trial Judge under order impugned is duly supported by material on record

and even otherwise it is only prima facie opinion which he has expressed, but it is always depend upon the action, which is to be initiated by the Chief Executive Officer against present petitioner and this court does not find any infirmity which may call for interference.

Consequently, the misc. petition fails and is hereby dismissed. Record be sent back to trial court.

[AJAY RASTOGI],J.

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